

## LOCAL PLANNING AGENCY

JUNE 11, 2003

### 1. ROLL CALL

The meeting was called to order at 8:17 p.m. Board members present were Chair Mike Bender, Vice-Chair Bob Waitkus, Casey Lee, Scott McLaughlin and Mimi Turin. Also present were Town Attorney Monroe Kiar, Attorney Andre Park, Planner Deborah Ross, and Board Secretary Janet Gale recording the meeting.

### 2. APPROVAL OF MINUTES: April 23, 2003

Mr. Waitkus made a motion, seconded by Ms. Turin, to approve the minutes of April 23, 2003. In a voice vote, with Mr. McLaughlin abstaining as he had not been present for that meeting, all voted in favor. **(Motion carried 4-0)**

### 3. PUBLIC HEARING

- 3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-1 ENTITLED "REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING"; ADDING SECTION 26-2 ENTITLED "RARE SPECIES"; PROVIDING A LISTING OF SPECIES IDENTIFIED IN BROWARD COUNTY AS RARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Tabled from April 23, 2003)**

Ms. Ross reminded the Agency that she was to provide a more explicit listing of rare species to a previously adopted ordinance.

Chair Bender commented that "Burrowing Owls" did not appear on this list. Ms. Ross indicated that she would research the status; however, they might be a "protected" species as opposed to a "rare" species.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

At Vice-Chair Waitkus' inquiry, Ms. Ross clarified that the phrase "from time to time" allowed for the list to be updated without being restricted to a time certain.

Ms. Lee made a motion, seconded by Vice-Chair Waitkus, to approve. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Waitkus - yes; Ms. Lee - yes; Mr. McLaughlin - yes; Ms. Turin - yes. **(Motion carried 5-0)**

- 3.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; ADDING SECTION 26-58 ENTITLED "ENFORCEMENT" RELATING TO CLEARING AND GRUBBING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(Tabled from April 23, 2003)**

Ms. Ross reminded Agency members that this item had been tabled in order to address the concerns which had been expressed at the last meeting and prior to the final draft.

A lengthy discussion ensued regarding the intent of the ordinance and to whom it was directed. Ms. Turin took issue with language which did not arrange for "due process" and

explained her concerns. The Agency understood and agreed with her opinion on this issue as well as other issues which needed clarification.

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Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Turin made a motion to deny then withdrew her motion.

Ms. Turin made a motion, seconded by Mr. McLaughlin, to table to June 25, 2003, to allow staff time to redraft so that the ordinance was consistent with State law in terms of the fines and the due process issues regarding the Code Enforcement Board and/or Special Master. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Waitkus – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Ms. Turin – yes. **(Motion carried 5-0)**

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

There was no new business discussed.

**6. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 8:53 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Agency Member